

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:05CV36
(1:03CR41)

KAMIL MRLINA,)	
)	
Petitioner,)	
)	
Vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER is before the Court on Petitioner's motion for relief pursuant to Fed. R. Civ. P 60(b).

Because Petitioner's previous § 2255 motion was dismissed without prejudice to him refileing same, the instant motion is moot. *See Order filed February 24, 2005* ("[T]he Petitioner's motion to vacate, set aside, or correct sentence . . . is hereby **DISMISSED WITHOUT PREJUDICE** *to the filing of another petition*") (emphasis added).

IT IS, THEREFORE, ORDERED that the Petitioner's motion for relief is hereby **DENIED** as moot.

Signed: May 9, 2005

A handwritten signature in black ink, appearing to read 'Lacy H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

